



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/832,718 | 04/11/2001 | Daniel L. McConnell | 069035.00001 | 9752 |

29391 7590 03/01/2004

BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A.
390 NORTH ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

EXAMINER

COBURN, CORBETT B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3714

12

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,718

Applicant(s)

MCCONNELL ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-13 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-13 and 24-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Interpretation

1. Applicant has amended the preamble to claim 1 to read in part, "to teleport the attendees from their respective designated viewing areas into live action areas of the event". According to the Merriam Webster's Collegiate Dictionary (10th Edition, 1997), teleportation is the act or process of moving an object or person by psychokinesis. Should this phrase be held to breath life and meaning into the claim, it would be inconsistent with known scientific principles and would garner a rejection under 35 USC §101. Examiner has, therefore, rejected the claim under 35 USC §112. However, for the purposes of examination, the phrase in question is treated as an inapt choice of terminology intended to describe a virtual reality system.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 7-12 & 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As noted above, the claims are directed to a method of teleportation. Since teleportation cannot be carried out, it is impossible for the specification to enable its use.

4. Claims 7-13 & 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not

Art Unit: 3714

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Teleportation is not described in the specification and is new matter.

5. Claims 24-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. On page 9 of the specification, Applicant defines "stereo-optic" to "to describe a video system having two cameras positioned to view a scene from two slightly different perspectives corresponding to the two eyes of the observer." This does not disclose that the two cameras must be "human eye distance apart". This limitation of claim 24 is new matter.

Specification

6. The amendment filed 18 November 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: teleportation and the requirement that the cameras be spaced human eye distance apart.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3714

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 8, 12, 13 & 24-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonelli (US Patent Number 4,817,948) in view of Yoshimatsu (US Patent Number 6,326,994).

Claim 7, 12, 27, 29: Simonelli teaches providing a plurality of cameras (122 & 124) at a plurality of locations (race cars in Fig 1) within an event for producing a plurality of live-action video signals. Simonelli teaches locally transmitting within the event a plurality of live-action wireless communication signals corresponding to the plurality of video signals via a respective plurality of transmitters associated with a plurality of cameras. (Fig 3) Simonelli teaches providing a plurality of attendees at the event a respective plurality of portable display units each containing multi-channel receiving device. Fig 2 shows a portable display unit for each driver. There are two video images (22 & 24). Thus the display units must have a multi-channel receiving device. The portable display units are adapted for simultaneously receiving the locally transmitted live action wireless communications directly from the transmitter (Fig 3) and for displaying images responsive to a live action video signal individually selected by each of the respective attendees for personal viewing only while at the event of selected images corresponding to unaltered live action views captured by the cameras.

Simonelli fails to teach that the portable display units are to be worn by the attendees at the event. Yoshimatsu teaches head mounted display units worn by the users. (Figs 6 & 7) Yoshimatsu teaches a device for giving users a 3-D image of the event. This is much more realistic. It would have been obvious to one of ordinary skill

Art Unit: 3714

in the art at the time of the invention to have modified Simonelli in view of Yoshimatsu to have a portable display unit wearable by the attendee in order to display a more realistic 3-D image.

Claim 8, 24, 28, 32: Simonelli teaches the invention substantially as claimed, but does not teach a stereo-optic display. There are personal display units (Fig 2) for displaying images for personal viewing by attendees. Simonelli teaches transmitting wireless communications signals corresponding to the plurality of video signals via the wireless communication system. (Fig 3) Simonelli teaches providing a pair of cameras (122 & 124) at each of the plurality of locations (i.e., on each car) at the event, but does not teach stereo-optic images.

Yoshimatsu teaches providing a pair of cameras adjacent to each other at an event to view the event from two different perspectives corresponding to a distance between two eyes of a human observer for producing a corresponding depth perceptive video signal for each camera pair. (Fig 1) Yoshimatsu also teaches providing the portable display units with two adjacent video display devices separated by the distance between two eyes of a human observer to displaying two different images corresponding to views of the event from the perspective of the respective cameras. (Figs 6 & 7) This provides a realistic three-dimensional image to the viewer (i.e., with true depth-perception as would be seen by the attendee from the perspective of the placement of the pair of cameras), thus increasing the viewer's sense of participation in the live event. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Simonelli to have used Yoshimatsu's stereo-optic signals and a stereo-optic video display

Art Unit: 3714

device to provide a realistic three-dimensional image to the viewer, thus increasing the viewer's sense of participation in the live event.

Claim 13: Yoshimatsu teaches that the personal display unit is a headset for supporting the receiving device and the video display device. (Col 6, 33-40)

Claims 25, 30: Simonelli teaches cameras in each car (i.e., a plurality of pairs of cameras) and a transmitter (i.e., the telemetry package) connected to the cameras for transmitting a view from the perspective of the video camera. (Fig 3) The viewer may choose which of the cameras to view (i.e., the viewer may select which car to "ride").

Claims 26, 31: Simonelli teaches mounting cameras in remote control racing cars. The cars move under the control of the observer. This moves the camera relative to the scene in response to the position signal. There is a receiver (32) and a transmitter (32). Fig 3 shows the portable controller for producing the position input signals in response to physical input signals provided by the observer – i.e., steering the car.

9. Claims 9-11 & 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonelli & Yoshimatsu as applied to claim 7 above in view of official notice.

Claim 9: Simonelli & Yoshimatsu teach the invention substantially as claimed including use of the device by those attending the event (i.e., race drivers) but does not teach renting the personal display units. Examiner takes official notice that the profit motive is well known. Renting the display units would allow the owner to make money off of the device. It would have been obvious to one of ordinary skill in the art at the time of the invention to have rented the personal display units to patrons in order to allow the owner to make a profit.

Art Unit: 3714

Claims 10, 11, 33: Simonelli & Yoshimatsu teach the invention substantially as claimed but do not teach transmitting closed wireless network communication signals corresponding to predetermined content different from the video signals produced by the cameras via the wireless communications system for selected alternative viewing by the attendees while at the event. Examiner takes official notice of the fact that displaying advertising is well known to those in the art. Ads are ubiquitous. Ads are also profitable. It would have been obvious to one of ordinary skill in the art at the time of the invention to have transmitted closed wireless network communication signals corresponding to predetermined content different from the video signals produced by the cameras via the wireless communications system for selected alternative viewing by the attendees while at the event (i.e., ads) in order to make money.

Response to Arguments

10. Applicant's arguments with respect to claims 7-13 & 24-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 3714


will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cbc


JESSICA HARRISON
PRIMARY EXAMINER